
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

KANE COUNTY (2), UTAH,

Plaintiff, and

STATE OF UTAH,

Intervenor-Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant, and

SOUTHERN UTAH WILDERNESS
ALLIANCE, *et al.*,

Intervenor-Defendants

**ORDER ASSIGNING CASE TO
JUDGE CLARK WADDOUPS
FOR ALL PURPOSES**

Case No. 2:10-cv-1073 (Consolidated
2:11-cv-1031, 2:12-cv-476)

Chief District Judge David Nuffer

Intervenor Defendants filed a motion for leave¹ to file a motion about the ambiguous record as to the presiding trial judge in the case.² The helpful factual summary³ in the proposed motion shows that it is not clear that a presiding trial judge is assigned to this case.

For nearly five years, Judge Clark Waddoups has been managing the case under the “Memorandum Decision and Order for Joint Case Management; and Transferring Case”⁴ signed by Judge Robert Shelby. That order directed the clerk’s office to transfer the case to Judge

¹ Motion for Leave to File Motion to Expedite Reassignment, docket no. [362](#), filed January 25, 2018.

² [Proposed] Motion to Expedite Reassignment (“Proposed Motion”), docket no [362-1](#), filed January 25, 2018.

³ Proposed Motion at 2-3.

⁴ Docket no. [78](#), filed March 13, 2013.

Waddoups, who would “oversee and manage all non-dispositive, pretrial matters”⁵ and at his election, resolve dispositive motions.⁶ The Case Management Order also contemplated that the case would eventually be transferred back to Judge Robert Shelby for trial.⁷ On August 29, 2015, however, Judge Shelby recused from the case.⁸

At the time of Judge Shelby’s recusal, the case was assigned to Judge Waddoups, and there was no mechanism for appointing a future judge to whom the case would be transferred for purposes of conducting a trial.

Judge Waddoups has managed this case, as a bellwether for more than 20 other cases, for nearly five years. He also tried a case with similar issues, also arising in Kane County.⁹ The long dockets in these cases reflect the substantial expertise acquired by Judge Waddoups; that the cases arise from similar events and facts¹⁰ and involve substantially the same parties;¹¹ that the cases call for a determination of the same or substantially related questions of law and fact¹² and that the cases would entail substantial duplication of labor or unnecessary court costs or delay if heard by different judges¹³ with a risk of inconsistent verdicts or outcomes.¹⁴ For these reasons, which are all identified as factors supporting the transfer of related cases to a single judge, which

⁵ *Id.* at 3.

⁶ *Id.*, at 4.

⁷ *Id.* at 4.

⁸ Order of Recusal, docket no. [252](#), filed August 20, 2015.

⁹ *Kane County (1), Utah v. United States*, [2:08-cv-315-CW](#).

¹⁰ [DUCivR 83-2\(g\)\(1\)](#).

¹¹ [DUCivR 83-2\(g\)\(2\)](#).

¹² [DUCivR 83-2\(g\)\(4\)](#).

¹³ [DUCivR 83-2\(g\)\(5\)](#).

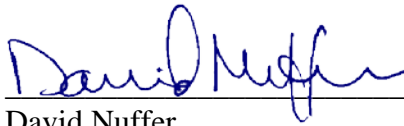
¹⁴ [DUCivR 83-2\(g\)\(6\)](#).

the court may address sua sponte pursuant to DUCivR 83-2(g), under my authority as chief district judge,

IT IS HEREBY ORDERED that this case is assigned to Judge Waddoups for all purposes.

Signed January 26, 2018.

BY THE COURT

A handwritten signature in blue ink, appearing to read "David Nuffer", is written over a horizontal line.

David Nuffer
Chief United States District Judge